

TEXAS

LEGISLATIVE MANUAL

FOR 1899

CONTAINING

RULES OF THE SENATE AND HOUSE, AND JOINT RULES, STANDING COMMITTEES OF THE SENATE AND HOUSE. LIST OF SENATORS AND REPRESENTATIVES, OFFICERS OF THE SENATE AND HOUSE, OF THE REGULAR SESSION OF THE TWENTY-SIXTH LEGISLATURE.

ALSO

THE CONSTITUTION OF THE STATE OF TEXAS, AND
OF THE UNITED STATES.



AUSTIN:
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1899.

RULES OF ORDER
OF THE
TWENTY-SIXTH LEGISLATURE
STATE OF TEXAS.

RULES OF THE SENATE.

QUORUM.

1. Two-thirds of all the Senators elected shall constitute a quorum, but a smaller number may adjourn from day to day, and compel the attendance of absent members. (Constitution, Art. III, Sec. 16.)
2. In case a less number shall convene, the members present may send the Sergeant-at-Arms, or any other person or persons, for any or all absent members.

ABSENTEES.

3. No member shall absent himself from the sessions of the Senate, without leave, unless he be sick, or unable to attend.
4. A call of the Senate may be demanded by five members, and if there be any absent the names of the absentees shall be called again. If they do not answer, the Sergeant-at-Arms, or a special messenger, may be sent for them, and the question pending shall be, without a motion, laid on the table until the absentees appear or the call be suspended.

OFFICERS OF THE SENATE.

5. The Lieutenant-Governor of the State shall, by virtue of his office, be President of the Senate. He shall preside over the deliberations of the Senate; decide all questions of order, subject to appeal by any mem-

ber; appoint all committees unless otherwise ordered by the Senate; have direction and control of all committee clerks and employes of the Senate and assign them to their duties. He shall have control of such parts of the capitol as have been, or may be set apart for the use of the Senate and its officers. He shall have the right to name a member to perform the duties of the Chair, but such substitution shall not extend beyond an adjournment.

6. The Senate shall, at the beginning and close of each session and at such other times as may be necessary, elect one of its members President pro tempore, who shall perform the duties of Lieutenant-Governor in any case of absence or disability of that officer, and whenever the said office of Lieutenant-Governor shall be vacant.

7. A Secretary, Assistant Secretary, Journal Clerk, Assistant Journal Clerk, Calendar Clerk, Engrossing Clerk, Enrolling Clerk, Sergeant-at-Arms, Assistant Sergeant-at-Arms, Doorkeeper, Assistant Doorkeeper, Chaplain, and such other officers as a majority vote may determine to be necessary, shall be elected at the opening of the session of the Legislature, to continue in office until discharged by the Senate; who shall perform such duties as may be incumbent upon them in their respective offices, under the direction of the Senate.

OPEN DOORS.

8. The doors of the Senate shall be kept open, except when there is an executive session. (Constitution, Art. III, Sec. 16.)

ORDER OF BUSINESS.

9. The presiding officer shall take the chair at the hour to which the Senate last adjourned.

10. The names of the Senators shall be called alphabetically; should a quorum not be in attendance a majority of those present shall be authorized to send the Sergeant-at-Arms, or a special messenger, for the absentees; when there is a quorum assembled the journal of the preceding day shall be read, and corrected if necessary. (Constitution, Art. III, Sec. 10.)

11. The President shall then call:

1. For petitions and memorials;
2. For reports from standing committees;
3. For reports from select committees;
4. For bills and resolutions, which shall conclude the morning call, and which the President shall announce to the Senate;

5. For the special order;
6. For unfinished business;
7. For business on the President's table, which shall be disposed of in the following order:
 1. Simple resolutions;
 2. Messages and executive communications;
 3. House bills on third reading;
 4. Senate bills on third reading;
 5. House bills on second reading;
 6. Senate bills on second reading.

Senate bills and resolutions with House amendments may be called up at any time as privileged questions.

12. Special orders shall be considered at the time for which they are set, and shall be considered from day to day until disposed of, but if a special order is not reached or considered at the time fixed it shall not lose its place as a special order.

DECORUM AND DEBATE.

13. When a Senator is about to speak in debate, or to communicate any matter to the Senate, he shall rise in his place and address the President.

14. When two or more members happen to rise at once, the President shall name the one who is first to speak, and his decision shall be final and not open to debate or appeal.

15. No member shall speak more than once in any one debate until every member desiring to do so shall have spoken; nor shall any member speak more than twice in any one debate without leave of the Senate.

16. When a member shall be called to order by the President, or by a Senator, he shall sit down and not be allowed to speak, except to the point of order, until the question of order be decided. If the decision be in his favor, he shall be at liberty to proceed; if otherwise, he shall not proceed without leave of the Senate.

17. If a member be called to order for using exceptionable words, they shall immediately be taken down in writing, that the President may be better enabled to judge of them.

18. Every question of order shall in the first instance be decided by the President, from whose decision any member may appeal to the Senate.

19. While the President is putting the question or addressing the Senate he shall not be interrupted.

20. While a member is speaking no other member shall interrupt him, except by leave, or otherwise interrupt the business of the Senate. No smoking shall be allowed in the Senate chamber during the session of the Senate.

21. When a question is under consideration by the Senate no motion shall be made except

- To fix the day to which the Senate shall adjourn;
- To adjourn;
- To proceed to the transaction of executive business;
- The previous question;
- To postpone to a time certain;
- To amend;
- To commit with instructions;
- To commit without instructions;
- To lie on the table;
- To postpone indefinitely;

Which several motions shall have precedence in the order in which they are arranged. All amendments tending to perfect a bill shall have precedence of a motion to strike out the enacting clause.

22. No debate shall be allowed on a motion to lay on the table, for the previous question, or to adjourn.

23. The Senate may punish any member for disorderly conduct, and with the consent of two-thirds may expel a member; but not a second time for the same offense. (Constitution, Art. III, Sec. 11.)

24. The Senate, during its session, may imprison for forty-eight hours any person, not a member, for disrespectful or disorderly conduct in its presence, or for obstructing any of its proceedings. (Constitution, Art. III, Sec. 15.)

25. Any member who shall receive or offer a bribe, or who shall suffer his vote influenced by promise of preferment or reward, shall, on conviction, be expelled.

BILLS.

26. No bill shall have the force of a law until it has been read on three several days in each House, and free discussion allowed thereon; but in cases of imperative public necessity (which necessity shall be stated in a preamble or in the body of the bill) four-fifths of the House in which the bill may be pending may suspend this rule, the yeas and nays being taken on the question of suspension and entered upon the journals. (Constitution, Art. III, Sec. 23.)

27. The President shall, at each reading, announce whether the bill originated in the Senate or House of Representatives, and whether it be the first, second or third reading.

28. A bill, when introduced, shall be read and referred to a committee. The first reading of a bill, if a Senate bill, shall be the reading thereof when first introduced; if a House bill, the reading thereof when transmitted to the Senate. And all House bills, when received in the Senate, shall be read and referred to a committee. No action shall be taken upon a bill accepting, rejecting or amending the same until it has been reported upon by a committee.

29. No motion shall be necessary to pass a bill to its second reading. The main question on the second reading of the bill, shall be, if a Senate bill, "shall this bill be engrossed and passed to a third reading?" and if it be a House bill, "shall this bill pass to a third reading?"

30. No bill shall be considered unless it has first been referred to a committee and reported thereon; and no bill shall be passed which has not been presented and referred to a committee at least three days before the final adjournment of the Legislature. (Constitution, Art. III, Sec. 37.)

31. No amendment shall be adopted at the third reading of a bill without the consent of two-thirds of the members present.

32. It shall be in order at the third reading of a bill to move its reference to a committee; and should such motion prevail and any amendment be reported by the committee, the said bill shall be considered as on its second reading.

33. The presiding officer of each house shall, in the presence of the house over which he presides, sign all bills and joint resolutions passed by the Legislature, after their titles have been publicly read before signing, and the fact of signing shall be entered on the journals. (Constitution, Art. III, Sec. 38.)

SUBSTITUTE BILLS.

34. When the House of Representatives shall adopt and send to the Senate a substitute for a bill that had previously passed the Senate and been sent to the House, said substitute shall be acted upon by the Senate in the same manner as a bill that originated in the House of Representatives; and any amendment which is in effect a substitute shall be considered a substitute bill.

RESOLUTIONS.

35. Every resolution that requires the approval of the Governor shall be subject to the rules that govern the proceedings on bills.

36. All resolutions, except those named in the preceding rule, shall be acted on upon their introduction, or on motion postponed or referred to an appropriate committee.

AMENDMENTS TO THE CONSTITUTION.

37. All amendments proposed to the Constitution shall be subject to the rules that govern proceedings on bills, except that they shall in all cases be read on three several days, and shall only be passed by a vote of two-thirds of the members elected to the Senate. (Constitution, Art. XVII, Sec. 1.) When a proposed amendment to the Constitution may be under consideration, the votes of the majority of the members present shall be sufficient to decide an amendment thereto, or any collateral or incidental question short of the final question.

MOTIONS.

38. All motions shall be reduced to writing and read by the Secretary, if desired by the presiding officer or any Senator present.

39. After a motion has been stated by the President, or read by the Secretary, it shall be deemed to be in possession of the Senate; but it may be withdrawn at any time before it has been amended or decided.

40. On motion to fix a sum or state a time, the largest sum and the longest time shall have precedence.

41. Any member may have the question before the Senate divided, if it be susceptible of a division, into distinct questions; but on a motion to strike out and insert, it shall not be in order to move for a division of the question; but the rejection of a motion to strike out and insert one proposition shall not prevent a motion to strike out and insert a different proposition; nor prevent a subsequent motion simply to strike out; nor shall the rejection of a motion simply to strike out prevent a subsequent motion to strike out and insert.

42. A motion to postpone, or to commit, having been once decided, shall not again be entertained on the same day, at the same stage of the bill or other question before the Senate.

PETITIONS AND MEMORIALS.

43. Before any petition or memorial, addressed to the Senate, shall be received and read at the table, a brief, verbal statement of its contents may be made by the person presenting it.

PROTESTS.

44. Any member shall have the liberty to dissent from any act or resolution which he may think injurious to the public or an individual, and have the reason for dissent entered on the journal.

REPORTS.

45. All committee reports shall be in writing.

46. It shall be in order for the Committee on Engrossed and Enrolled Bills to report at any time.

47. All reports, except reports from Committee on Engrossed and Enrolled Bills, shall, after being read, lie on the table one day before consideration, unless committed.

48. When a committee shall report an original bill, such bill shall be read with the report, and shall be endorsed by the Secretary as having been read the first time.

COMMITMENT.

49. Motions in writing, reports, and all resolutions, except such as require the approval of the Governor, may be committed at the pleasure of the Senate.

50. When several motions shall be made for reference of a subject to a committee, they shall have preference in the following order: First, to a committee of the whole Senate; second, to a standing committee; third, to a select committee.

RECONSIDERATION.

51. After a question shall have been decided, either in the affirmative or negative, any member voting with the prevailing side may, on the same day in which the vote was taken, or within the next succeeding day of actual session, move the reconsideration thereof. When a bill, resolution, report, amendment, order or message upon which the vote was taken shall have gone out of the possession of the Senate, and been communi-

cated to the House of Representatives, the motion to reconsider shall be accompanied by a motion to request the House to return the same, which last motion shall be acted upon, and if determined in the negative, shall be a final disposition of the motion to reconsider.

52. In all cases a motion to reconsider shall be decided by a majority of the votes.

53. When the reading of a paper is called for, and the same is objected to by any member, it shall be determined by a vote of the Senate, and without debate.

QUESTIONS—MODE OF STATING AND VOTING UPON.

54. All questions shall be distinctly put by the President, and the members shall signify their assent or dissent by answering "Aye," or "No."

EQUAL DIVISION OF THE SENATE.

55. If the Senate be equally divided on any question, the Lieutenant-Governor, if present, shall give the casting vote. (Constitution, Art. IV, Sec. 16.)

56. The President of the Senate, for the time being, shall not, by virtue of his office, be entitled to give the casting vote in any case.

57. If the Senate is equally divided on any question when the Lieutenant-Governor is not present, such question or motion shall be lost.

YEAS AND NAYS.

58. Upon the final passage of all amendments proposed to the Constitution, of all bills appropriating money or lands for any purpose, and of all other questions requiring a vote of two-thirds, except a motion to suspend the rules, the presiding officer shall call for the yeas and nays, and they shall be entered on the journal.

59. At the desire of any three members present, the yeas and nays shall be entered on the journal, and the names of the members present and not voting shall be recorded immediately after those voting in the affirmative and negative, and such members shall be counted in determining the presence of a quorum.

60. Upon any roll call of the Senate, should any member who is within the Senate chamber fail or refuse to answer when his name is called, the Secretary of the Senate shall, under the direction of the President of the Senate, record such member as present.

TWO-THIRDS VOTE—ON WHAT QUESTIONS REQUIRED.

61. A vote of two-thirds of all the members elected to the Senate shall be required—

1. For the final passage of amendments to the Constitution. (Constitution, Art. VII, Sec. 1.)
2. For the final passage of bills exempting property from taxation. (Constitution, Art. VIII, Sec. 10.)
3. For the final passage of bills to revoke or repeal private corporations.
4. For the final passage of bills to authorize the State to borrow money.
5. For the passage of bills that have been returned by the Governor, with his objections. (Constitution, Art. IV, Sec. 14.)
6. For the final passage of bills to reduce a county to a less area than nine hundred square miles. (Constitution, Art. IX, Sec. 1.)
7. For the passage of an address to the Governor for the removal of any other civil officer. (Constitution, Art. XV, Sec. 8.)
8. In cases of impeachment, a vote of two-thirds shall be required to convict. (Constitution, Art. XV, Sec. 3.)
9. To expel a member. (Constitution, Art. III, Sec. 11.)

A vote of two-thirds of all the members present shall be required—

1. To adopt an amendment at the third reading of a bill or joint resolution. (Sec. R. 35.)
2. To postpone or change the order of business.
3. To suspend any rule of the Senate.
4. To excuse absentees.

SUSPENSION AND RESCISSION OF THE RULES.

62. It shall require a vote of four-fifths of the Senate to suspend the rules requiring bills to be read on three several days. (Constitution, Art. III, Sec. 32.)

63. No standing rule or order of the Senate shall be rescinded or changed without one day's notice being given of the motion therefor.

64. No motion to suspend the rules for the purpose of considering a bill or resolution out of its order shall be entertained during the morning call.

REJECTION OF BILLS, RESOLUTIONS AND MOTIONS.

65. After a bill or resolution has been considered and defeated by either branch of the Legislature, no bill or resolution containing the same

substance shall be passed into a law during the same session. (Constitution, Art. III, Sec. 34.)

ELECTIONS.

66. In all elections by the Senate, the vote shall be given viva voce, except in the election of officers of the Senate. (Constitution, Art. III, Sec. 41.)

67. A majority of the whole number of votes cast shall be necessary for a choice in all elections by the Senate.

COMMITTEES.

68. All committees shall be appointed by the President, unless otherwise directed by the Senate.

69. The following standing committees shall be appointed:

1. A Judiciary Committee No. 1.
2. A Judiciary Committee No. 2.
3. A Committee on Constitutional Amendments.
4. A Committee on Educational Affairs.
5. A Committee on Internal Improvements.
6. A Committee on Finance.
7. A Committee on Public Lands and Land Office.
8. A Committee on State Penitentiaries.
9. A Committee on Public Health.
10. A Committee on Military Affairs.
11. A Committee on State Affairs.
12. A Committee on Commerce and Manufactures.
13. A Committee on Public Roads, Bridges and Ferries.
14. A Committee on Public Debt, Claims and Accounts.
15. A Committee on Contingent Expenses.
16. A Committee on Federal Relations.
17. A Committee on Counties and County Boundaries.
18. A Committee on Public Printing.
19. A Committee on Judicial Districts.
20. A Committee on State Asylums.
21. A Committee on Stock and Stock-raising.
22. A Committee on Agricultural Affairs.
23. A Committee on Treasurer's and Comptroller's Department.
24. A Committee on Privileges and Elections.
25. A Committee on Public Buildings and Grounds.

26. A Committee on Rules.
27. A Committee on Engrossed Bills.
28. A Committee on Enrolled Bills.
29. A Committee on Insurance, Statistics and History.
30. A Committee on Towns and City Corporations.
31. A Committee on Mining and Irrigation.
32. A Committee on Labor.

COMMITTEE OF THE WHOLE.

70. It shall be in order for the Senate, at any time after bills and resolutions have been called, to resolve itself into Committee of the Whole.

71. In forming a committee of the whole Senate, the President shall leave the chair, and shall appoint a chairman to preside in committee.

72. When in Committee of the Whole, the Lieutenant-Governor shall have a right to debate and vote on all questions. (Constitution, Art. IV, Sec. 16.)

73. The rules of the Senate, as far as applicable, shall be observed in Committee of the Whole.

74. Upon bills committed to a committee of the whole Senate, the bill shall be read and debated by clauses, leaving the preamble to be last considered: the body of the bill shall not be defaced or interlined; but all amendments, noting the page or line, shall be duly entered by the Secretary on a separate paper, as the same shall be agreed to by the committee, and so reported to the Senate; after the report, the bill shall again be subject to be debated and amended, or committed, before a question to engross it be taken.

NOMINATIONS BY THE GOVERNOR.

75. When nominations shall be sent to the Senate by the Governor, a future day shall be assigned for action thereon, unless the Senate unanimously direct otherwise.

76. Nominations shall be acted on in executive session only.

77. All nominations approved or definitely acted on by the Senate, shall be returned to the Governor, by the Secretary, from day to day, as such proceedings may occur.

EXECUTIVE SESSION.

78. When the Senate is in executive session, the Senate chamber and gallery shall be cleared of all persons except the Secretaries, Doorkeeper

and Assistant Doorkeeper, Sergeant-at-Arms and Assistant Sergeant-at-Arms, who shall keep secret the proceedings of such session until the injunction of secrecy is removed by unanimous vote of the Senate.

79. All information or remarks touching the character or qualifications of any person nominated by the Governor to office shall be kept secret.

80. Any officer or member convicted of violating any provisions of either of the two preceding rules shall be liable, if an officer, to dismissal from the service of the Senate, and if a member, to expulsion.

MESSAGES.

81. Messages, bills, resolutions and other papers shall be sent to the House of Representatives by the Secretary, who shall previously endorse upon them the final determination of the Senate thereon.

82. Messages may be received at any time, except while a question is being put, while the yeas and nays are being taken, or while the ballots are being counted.

JOURNAL OF THE SENATE.

83. The proceedings of the Senate when not in Committee of the Whole or in executive session, shall be entered on the journal as concisely as possible, care being taken to detail a true and accurate account of the proceedings: the titles of bills, and such parts thereof only as shall be affected by proposed amendments, shall be inserted in the journal; every report of a committee and vote of the Senate, and a brief statement of the contents of each petition, memorial or paper presented to the Senate shall also be inserted on the journal.

84. When a bill shall be returned to the Senate by the Governor, with his objections, they shall be entered at large upon the journal. (Constitution, Art. IV, Sec. 14.)

85. The proceedings of the Senate, when in executive session acting upon nominations made by the Governor, shall be kept in a separate book.

ADJOURNMENT.

86. A motion to adjourn shall always be in order, and shall be decided without debate, and the Senate may adjourn while operating under the previous question.

87. The Senate shall not adjourn for more than three days, nor to any other place than that in which it may be sitting, without the con-

currence of the House of Representatives. (Constitution, Art. III, Sec. 17.)

ADMISSION OF PERSONS WITHIN THE BAR OF THE SENATE CHAMBER.

88. The Governor and ex-Governors of the State, officers of the State government, the ex-Presidents of the Republic of Texas, ex-members of the Legislature, the members of the House of Representatives, and such other persons as the presiding officer or any member of the Senate may invite within the bar of the Senate, shall be supplied with seats therein; and no motion to admit any person whomsoever within the bar of the Senate shall be in order.

SENATE RULES—WHEN SILENT.

89. The President of the Senate shall decide all questions not provided for by the standing rules and orders of the Senate, and joint rules and orders of both branches of the Legislature, according to parliamentary practice, as laid down by modern approved authors, subject to appeal to the Senate as in other cases.

PREVIOUS QUESTION.

90. Pending the consideration of any question before the Senate, any Senator may call for the previous question, and if seconded by five Senators, the presiding officer shall submit the question, "Shall the main question be now put?" and if a majority vote is in favor of it, the main question shall be ordered, the effect of which shall be to cut off all further amendments and debate, and bring the Senate to a direct vote—first, upon pending amendments and motions, if there be any; then upon the main proposition. The previous question may be ordered on any pending amendment or motion before the Senate as a separate proposition, and be decided by a vote upon said amendment or motion.

RULES OF THE HOUSE.

TOUCHING THE DUTY AND RIGHTS OF THE SPEAKER.

1. He shall take the chair every day at the hour to which the House shall have last adjourned, and immediately call the members to order. If a quorum be in attendance, he shall cause the journals of the preceding day to be read, which may then be corrected by the House.

2. He shall preserve order and decorum, may speak to points of order in preference to members, rising from his seat for that purpose; he shall decide questions of order, subject to an appeal to the House made by any two members, on which appeal no member shall speak more than once, unless by leave of the House.

3. He shall rise to put a question, but may state it while sitting.

4. Questions shall be distinctly put in this form, to-wit: "As many of you as are of the opinion that (as the question may be), say Aye;" and after the affirmative voice is expressed: "As many as are of a contrary opinion, say No." If the Speaker is in doubt, or a division is called for, the House shall divide; those in the affirmative of the question shall rise from their seats and remain standing until the Clerk has numbered them and the number has been announced by the Speaker. Those who vote in the negative are then requested to rise, and they are numbered and the number announced. The yeas and nays may be called for before the decision of the Speaker is announced.

5. The Speaker shall have the right to examine and correct the journal before it is read. He shall have the right to name any member to perform the duties of the chair, but such substitution shall not extend beyond an adjournment.

Whenever the Speaker shall be absent at any hour to which the House has adjourned, it shall be the duty of the Chief Clerk to call the House to order and to have the roll called, and if a quorum be present the House shall proceed to elect a Speaker pro tem., who shall discharge the duties of Speaker of the House of Representatives during his absence.

6. In all cases of election by the House the Speaker shall vote; in other cases he shall not be required to vote, unless the House be equally divided, or unless his vote, if given to the minority, will make the di-

vision equal; and in case of such equal division the question shall be lost, except on a question of adjournment.

7. All committees and the chairmen of the same shall be appointed by the Speaker, unless otherwise specially directed by the House, in which case they shall be elected by the House; and if, upon such vote, the number required shall not be elected by a majority of the votes given, the House shall proceed to a second vote, in which a plurality shall prevail; and in case a greater number than that required to compose or complete a committee shall have an equal number of votes, the House shall take another vote.

8. All acts, addresses and joint resolutions shall be signed by the Speaker, as required by the Constitution, and all writs, warrants and subpoenas issued by order of the House shall be under his hand and attested by the clerk.

9. In case of any disturbance and disorderly conduct in the galleries, the Speaker, or chairman of the whole House, shall have power to order the same to be cleared.

RULES OF DECORUM AND DEBATE.

10. When any member is about to speak in the debate, or deliver any matter to the House, he shall rise from his seat and respectfully address himself to "Mr. Speaker."

11. If any member, in speaking or otherwise, transgresses the rules of the House, the Speaker shall, or any member may, call him to order; in which case the member so called to order shall immediately sit down, unless permitted to explain; and the House shall, if appealed to, decide on the case, but without debate. If the decision be in favor of the member called to order, he shall be at liberty to proceed; if the decision be against him, and the case requires it, he shall be liable to the censure of the House.

12. When two or more members happen to rise at once, the Speaker shall name the one who is first to speak, and his decision shall be final and not open to debate or appeal.

13. No member shall speak more than twice, either in the House or the committee of the whole, on the same question, nor more than ten minutes in the House, or half an hour in committee of the whole, without leave of the House, nor more than once until every member choosing to speak shall have spoken. But the mover of any proposition shall have the right of opening and closing the debate, and in case the propo-

sition comes from any committee, then the member making the report from the committee shall have the right to open and close the debate in like manner, and for this purpose may speak not to exceed twenty minutes in the House nor one hour in committee of the whole; and no member shall be permitted to consume the time of another member without the consent of the House.

14. While the yeas and nays are being called, or votes are being counted, no member shall visit the Clerk's table or leave his seat.

15. No member shall vote on any question in the determination of which he is immediately interested, nor in any case where he was not within the bar of the House when the question was put; and when any member shall ask leave to vote, the Speaker shall propound to him the question: "Were you within the bar of the House when the question was put?"

16. Any member may call for a division of a question when the same will admit of it.

17. Upon a division and count of the House upon any question, no member without the bar shall be counted.

18. Every member who is in the House when the question is put shall give his vote, unless the House, for reasons assigned, shall excuse him; and any member who is present and shall fail and refuse to vote, after being requested so to do by the Speaker, shall be recorded, under direction of the Speaker, as voting with the minority on the subject or question being voted upon. No member shall be allowed to make any explanation of a vote he is about to give, or ask to be excused from voting, after the Clerk, under the order of the House, shall have commenced calling the yeas and nays.

19. All questions relating to priority of business shall be decided without debate.

20. There shall be no smoking, eating nor cracking nuts allowed in the House during its sitting.

ORDER OF BUSINESS FOR THE DAY.

21. As soon as the journal is adopted, the unfinished business of the House, if there be any, shall be disposed of; then the Speaker shall call for petitions and memorials; the petitions and memorials having been presented, shall be disposed of as follows:

1. By motion to reject.
2. To lay on table.

3. To postpone to a day certain.
4. To commit.
5. To postpone indefinitely.

The order of commitment shall be to:

1. The appropriate standing committee.
2. The Committee of Whole House.
3. A select committee.

After memorials and petitions are disposed of, then bills and resolutions shall be in order for one hour if not sooner disposed of, then reports from standing committees shall be called for in regular order, and when made shall go upon the Speaker's table among the orders of the day in their regular order, according to their number; then reports from special committees shall be called for, which reports shall be acted upon at the discretion of the House. After petitions, bills, resolutions and reports from committees have been disposed of, the House shall proceed to the order of the day, and the Speaker shall announce the same as follows:

1. Simple resolutions.
2. Messages and executive communications.
3. Messages from the Senate and Senate amendments to House bills or resolutions.
4. Bills on their third reading.
5. Bills on their second reading.
6. Bills on their first reading.

After the business on the Speaker's table has been reached, no new business shall be introduced without leave of the House.

The order of the day shall always have precedence when the hour for considering the same has arrived.

RULES OF THE HOUSE.

22. No bill shall have the force of a law until it has been read on three several days in each House, and free discussion allowed thereon; but in cases of imperative public necessity (which necessity shall be stated in a preamble, or in the body of the bill), four-fifths of the House in which the bill may be pending may suspend this rule, the yeas and nays being taken on the question of suspension, and entered upon the journals. All bills for raising revenue shall originate in the House of Representatives, but the Senate may amend or reject them as other bills.

23. After a bill has been considered and defeated by either House of

the Legislature, no bill containing the same substance shall be passed into a law during the same session. After a resolution has been acted upon and defeated, no resolution containing the same substance shall be considered at the same session.

24. A bill or resolution may be introduced without motion for leave to bring in a bill. After the opening of the session of the House, bills and resolutions may be filed with the Chief Clerk, and when that order of business is reached, shall be taken up in the order filed and disposed of before the Speaker shall admit members to present bills and resolutions from the House.

25. All bills before the House shall be taken up and acted upon in the order in which they are numbered, and it shall be the duty of the Chief Clerk to number every bill in its regular order, upon its first reading: *Provided*, That local bills shall be considered on Saturday of each week, until disposed of; and provided further, that no bill affecting any railroad or mercantile corporation shall be considered as a local bill, within the meaning of this rule.

26. On the first reading of a bill or joint resolution it shall be referred.

27. Bills, resolutions and other papers referred to committees shall be taken up and acted upon by the committees in the order in which they were referred, and shall be reported back to the House within ten (10) days from the date of their respective reference, unless the House shall grant a committee additional time for the consideration of a paper referred to it.

28. After a committee has reported on a bill, amendments shall be in order. If no amendments are made, or if those proposed are adopted, then the final question upon the second reading of every bill or resolution originating in the House, and requiring three readings previous to its being passed, shall be whether it shall be engrossed; and bills ordered to be engrossed shall go on the calendar in their regular course.

29. All bills and joint resolutions which have passed their second reading, and ordered to be engrossed, shall be presented to the House for their third reading, written in a fair, legible hand, without erasures, interlineations, or additions in the margin thereof.

30. When a bill shall have been committed on its third reading, and reported to the house with amendments, it shall take the course of a bill at its second reading, unless the amendments were made in the Committee of the Whole, in which case the House shall immediately proceed to act on the bill; but when a bill has been committed once at its reading it

shall not be in order to recommit it again more than once, unless for some special amendment proposed, and then only by consent of two-thirds present: *Provided*, That this shall not apply to bills committed on third reading and reported to the House with amendments.

31. All bills, when reported favorably by a committee, shall be printed and a copy laid on the desk of each member before the bill is acted on by the House. All other bills, resolutions, reports, memorials and petitions shall be printed on the order of the House.

32. When a bill shall pass it shall be certified by the Clerk, noting the day of its passage at the foot thereof.

SIMPLE RESOLUTIONS.

33. When resolutions are called for, the member offering a resolution shall rise in his place and say: "Mr. Speaker, I offer the following resolution." The Speaker shall then say: "The gentleman from _____ offers the following resolution." The resolution will be read. As soon as the Clerk shall have read the same the Speaker shall say: "What order will the House take on the resolution?" If the second reading of the resolution is called for, the Speaker shall say: "Second reading of the resolution is called. If there is no objection the resolution shall be read a second time." If objection be made to the second reading it shall be in order for any member to move for second reading, which, if carried, the resolution shall be read again, and it will then be before the House for amendment, adoption or rejection. If the second reading is not moved, the resolution shall lie over until the following day, when it will come up as business on the Speaker's table.

CONCURRENT RESOLUTIONS.

34. Concurrent resolutions shall take the same course as simple resolutions. Concurrent resolutions are defined as those which only require concurrence on the part of the Senate, and do not require the approval of the Governor.

35. No new motion or proposition on a subject different from that under consideration shall be admitted under color of amendment, or as a substitute for the motion or proposition under debate.

36. When a motion has been once made and carried in the affirmative or negative, it shall be in order for any member of the majority or prevailing side to move for a reconsideration thereof, provided it is made on the same day, or the next sitting day, before the order of the day is taken

up; and provided further, that if said motion shall not be disposed of on the same day on which it is made, one day's notice shall be given before said motion can be called up and disposed of; and provided further, that such motion if made during the last three days of the session, shall be disposed of when made.

37. When the reading of a paper is called for, and the same is objected to by any member, the House shall determine whether said paper shall be read or not.

38. If a pending question is not disposed of, owing to an adjournment of the House, no member who has spoken twice on the subject shall be allowed to speak again without leave.

39. When motions are made for the reference of a subject to a select or standing committee, the question for the reference to a standing committee shall be put first.

40. When a motion is made and seconded, it shall be stated by the Speaker, or, being in writing, it shall be handed to the Chair and read aloud by the Clerk before debated.

41. Every motion shall be reduced to writing if the Speaker or any member desires it.

42. After a motion is stated by the Speaker, or read by the Clerk, it shall be deemed to be in possession of the House, but may be withdrawn by the mover, with the consent of the member who may have seconded the proposition.

43. When a question is under debate no motion shall be received, but—

1. To adjourn;
2. To lay on the table;
3. For the previous question;
4. To postpone to a day certain;
5. To commit;
6. To amend; or,
7. To postpone indefinitely,

Which several motions shall have precedence in the order in which they are arranged; *provided*, no bill shall be tabled until after reference to and report from a committee, and no motion to postpone to a day certain, to commit, or to postpone indefinitely, being decided, shall be again allowed on the same day at the same stage of the bill or proposition. A motion to strike out the enacting words of a bill shall have precedence of a motion to amend, and if carried shall be considered equivalent to its rejection.

PREVIOUS QUESTION.

44. The previous question shall be put in this manner: "Shall the main question now be put?" It shall only be admitted when seconded by forty (40) members, and when carried, its effect shall be to put an end to all debate and bring the House to a direct vote:

1. Upon the pending amendment, and so on back to the first amendment offered.
2. Upon amendments reported by committee, if any.
3. Upon the main question.

45. It shall be in order to move a call of the House after the previous question has been ordered.

46. On motion for the previous question there shall be no debate. All incidental questions of order arising after a motion is made for the previous question, and pending such motion, shall be decided, whether on appeal or otherwise, without debate. After a call for the previous question has been sustained by the House, the question shall be put and determined as above, without debate on either amendments or the main question, except the mover of the proposition, or the member making the report from the committee shall have the right to close the debate, and no motion to adjourn shall be in order after the previous question is seconded, until the final vote upon the main question shall be taken.

47. A motion for the previous question shall not be laid on the table.

48. The previous question can be applied to motions to postpone to a day certain, or indefinitely, or to commit.

49. In order to be entitled to vote, and to be within the bar of the House, a member must be on the floor of the hall and within the walls enclosing the same, and not outside of any of the doors leading out of the hall, and he must vote from his seat.

50. No person shall be admitted within the bar of the House but members of the Senate, officers of the General State Government, the heads of departments and ex-members of the legislature of this State, and ladies upon the invitation of members.

CALL OF THE HOUSE.

51. Any fifteen members (including the Speaker, if there be one), shall be authorized to compel the attendance of absent members.

Upon a call of the House, whenever two-thirds of the members-elect (a constitutional quorum) shall be present, the call shall be considered

suspended, and no member shall be permitted to leave the hall until after the subject matter upon which the call was ordered shall be disposed of, without permission of the Speaker, and immediately upon the House being declared full, it shall take up the business upon which the call was ordered.

NAMES TO BE CALLED ALPHABETICALLY.

52. Upon calls of the House, and in taking the yeas and nays on any question, the names of the members shall be called alphabetically.

ADJOURNMENT.

53. A motion to adjourn, except as hereinbefore provided in Rule 46, and a motion to fix the day to which the House shall adjourn, shall always be in order. These motions and the motion to lay on the table shall be decided without debate.

RULES SUSPENDED OR CHANGED.

54. No standing rule or order of the House shall be rescinded or changed without one day's notice being given of the motion thereof; nor after such notice shall any rule be rescinded or changed, except by a vote of two-thirds of the members present; neither shall any rule of the House be suspended, nor the order of business established by the rules of the House be postponed or changed, except by a vote of at least two-thirds of the members present.

WHERE RULES ARE SILENT.

55. On any question of order or parliamentary practice, where these rules are silent or inexplicit, Jefferson's Manual, or Barclay's or Smith's Digest of Parliamentary Law shall be considered as authority.

ABSENTEES.

56. No member shall absent himself from the sittings of the House without leave, unless in case of sickness; and every member absenting himself without leave shall for each day of absence forfeit the pay allowed him by law, and if such absence is for the purpose of impeding the action of the House, such member shall be expelled: *provided*, that

before action is taken hereunder the matter shall be referred to the Committee on Privileges and Elections for investigation and report.

It shall require a two-thirds vote of the members present to excuse absentees, and no member shall be excused upon his own motion.

57. The names of absentees shall appear upon the journals.

JOURNAL.

58. The proceedings of the House, when not acting in Committee of the Whole, shall be entered on the journal as concisely as possible, care being taken to detail a true and accurate account of the proceedings, with the number of each bill introduced and a synopsis of its contents.

59. Every vote of the House shall be entered on the journal, with concise statement of the question, and a brief statement of the contents of each petition, memorial or paper presented to the House shall also be inserted on the journal.

SERGEANT-AT-ARMS.

60. It shall be the duty of the Sergeant-at-Arms to attend the House during its sittings; to have charge of the chamber of the House of Representatives, subordinate to the Speaker, and the committee rooms and offices belonging thereto; to keep the same in order, and to execute the commands of the House from time to time, together with all such process issued by authority thereof as shall be directed to him by the Speaker.

CLERKS.

61. The Chief Assistant Clerk shall rise and remain standing whilst reading the documents to the House.

62. The Assistant Clerk of the House shall, in the event of the absence, resignation or death of the Chief Clerk, take charge of and attend to all the duties of the office until his successor shall be elected.

63. No extra compensation shall be allowed to any clerk or other officer of the House.

REPORTERS.

64. Reporters shall be assigned appropriate and convenient seats in the House, by direction of the Speaker.

WITNESSES.

65. The rules for paying witnesses summoned to appear before the House, or any of its committees, shall be as follows: For each day a witness shall attend, the sum of two dollars; and for coming to or going from the place of examination he shall receive actual and necessary expenses, and two dollars for each day which is necessarily consumed in going to and returning from said place of examination; but nothing shall be paid for traveling home when the witness was at the place of trial when summoned. The certificate of the chairman of the committee before which a witness is summoned, of the amount due such witness, shall be sufficient authority for the same to be paid.

COMMITTEE OF THE WHOLE.

66. In forming a Committee of the Whole House, the Speaker shall leave his chair, and a chairman to preside in committee shall be appointed by the Speaker.

67. Upon bills committed to a Committee of the Whole House the bill shall first be read throughout by the Clerk, and then again be read and debated by clauses, leaving the preamble to be last considered. The body of the bill shall not be defaced or interlined, but all amendments, noting the page or line, shall be duly entered by the Clerk on a separate paper, as the same shall be agreed to by a committee, and so reported to the House. After report the bill shall again be subject to be debated and amended by clauses before a question to engross be taken.

68. All amendments made to an original motion in Committee of the Whole shall be incorporated with the motion and so reported.

69. In the event that the Committee of the Whole, at any sitting, shall for want of time, fail to complete the amendments proposed on any bill or resolution under their consideration, or desire to postpone the consideration thereof, it may, on motion made at any time in the committee, rise, report progress and have leave to sit again generally, or at a day certain.

70. All amendments made to a report committed to the Committee of the Whole House shall be noted and reported, as in the case of bills.

71. No motion or proposition for a tax or charge upon the people shall be discussed the day on which it was made or offered.

72. No sum or quantum of tax or duty voted by a Committee of the

Whole House shall be increased in the House until the motion or proposition for such increase shall first be discussed and voted in a Committee of the Whole House, and so in respect to the time of its continuance.

73. All proceedings touching appropriations of money shall be discussed in the Committee of the Whole House, and no appropriations of money shall be made except by bill.

74. The rules of proceeding in the House shall be observed in Committee, so far as the same is applicable.

STANDING COMMITTEES.

75. Unless otherwise ordered by the House, the Speaker shall appoint the following committees, consisting of the number designated, and no addition shall be made to any committee after it has been formed, except upon the suggestion of the Chairman thereof and by a majority of the House, and all proposed legislation shall be referred to the appropriate committees named in this rule.

1. Judiciary No. 1, 19 members.
2. Judiciary No. 2, 19 members.
3. Constitutional Amendments, 18 members.
4. Internal Improvements, 18 members.
5. State Affairs, 22 members.
6. Finance, 21 members.
7. Education, 19 members.
8. Revenue and Taxation, 18 members.
9. Public Lands and Land Office, 22 members.
10. Public Health and Vital Statistics, 11 members.
11. Commerce and Manufactures, 13 members.
12. County Government and County Finances, 17 members.
13. Privileges and Elections, 15 members.
14. Public Printing, 11 members.
15. Public Buildings and Grounds, 17 members.
16. Roads, Bridges and Ferries, 24 members.
17. Claims and Accounts, 10 members.
18. Examination of Comptroller's and Treasurer's Accounts, 7 members.
19. Private Land Claims, 9 members.
20. Engrossed Bills, 5 members.

21. Enrolled Bills, 5 members.
 22. Contingent Expenses, 8 members.
 23. Rules (Speaker *ex officio* chairman), 5 members.
 24. Agricultural Affairs, 19 members.
 25. Public Debt, 9 members.
 26. State Asylums, 19 members.
 27. Judicial Districts, 19 members.
 28. Insurance, Statistics and History, 12 members.
 29. Federal Relations, 10 members.
 30. Stock and Stockraising, 17 members.
 31. Counties and County Boundaries, 14 members.
 32. Penitentiaries, 24 members.
 33. Military Affairs, 9 members.
 34. Towns and City Corporations, 14 members.
 35. Mining and Minerals, 13 members.
 36. Irrigation, 14 members.
 37. Labor, 10 members.
76. The Committee on Engrossed Bills, in addition to their duties as such, are also Committee on Style, and it shall be their duty to see that all bills passed by the House are correct in style, orthography, punctuation, and in whatever else it is within the province of the committee to correct.
77. It shall be in order for the Committees on Engrossed Bills and Enrolled Bills to report at any time.
78. No committee shall sit during the time the House is in session without special leave first being granted.
79. A majority of a committee shall constitute a quorum for business, and no report shall be made to the House unless ordered by a majority of such quorum. The views of the minority may be submitted in writing by any member of the committee.
80. As soon as practicable it shall be the duty of the Chairman, or Chairman *pro tem.*, of the different committees to notify the Speaker, in writing, of the time fixed for the meeting of their respective committees, which information the Speaker shall cause to be posted up in a conspicuous place in the Hall as soon as practicable.
81. If after due notification the members of any committee fail to meet at the time and place designated and it shall be evident that said absentees are willfully absent for the purpose of impeding the action of

the committee, the Chairman shall report such matter to the House, and such committeeman shall be subject to reprimand, suspension or expulsion, as two-thirds of the members present shall decide.

AMENDMENTS TO THE CONSTITUTION.

All amendments proposed to the Constitution shall be subject to the rules that govern the proceedings in bills, except that they shall, in all cases, be read on three several days, and shall only be passed by a vote of two-thirds of the members elect to the House. (Constitution, Article XVII, Section 1.) When a proposed amendment to the Constitution is under consideration the votes of a majority of the members present shall be sufficient to decide an amendment thereto, or any collateral or incidental question thereto short of the final question.

82. The yeas and nays of the members of the House on any question shall at the desire of any three members present, be called and entered on the journals; *provided*, when the yeas and nays are called by any three members, it shall be the duty of the Speaker to call for the names of the members calling for the yeas and nays, and have their names entered upon the journal; *provided further*, that it shall not be necessary to enter the names of those calling for the yeas and nays on the journals in cases where the Constitution requires the yeas and nays to be called.

JOINT RULES OF THE TWO HOUSES.

DISAGREEMENT BETWEEN THE TWO HOUSES.

1. In every case of an amendment in one house, and dissented to by the other, if either house shall request a conference and appoint a committee for that purpose, and the other house shall appoint a committee to confer, such committee shall, at a convenient hour to be agreed on by their chairmen, meet in their conference chamber and state to each other verbally or in writing, as either shall choose, the reasons of their respective houses for and against the amendment, and confer freely thereon.

2. After each house shall have adhered to their disagreement, a bill or resolution is lost.

3. When a bill or resolution, which shall have passed in one house, is rejected in the other, notice thereof is to be given to the house in which the same may have passed.

COMMUNICATION BETWEEN THE HOUSES.

4. When a message shall be sent from the Senate to the House of Representatives it shall be announced at the door of the House by the doorkeeper, and shall be respectfully communicated to the Chair by the person by whom it may be sent.

5. The same ceremony shall be observed when a message shall be sent from the House of Representatives to the Senate.

6. All messages relating to the passage, substitution or amendment of any bill, resolution or other matter in passage between the two houses, shall be sent by such person as a sense of propriety in each house may determine to be proper, and shall be in writing, on but one side of separate sheet or sheets of paper, and shall be properly addressed to the presiding officer of the house to which the message be sent, and shall be signed by the person delivering the same, in his official capacity, and such message, as written, shall be printed in full in the journal of the house receiving the same.

7. While bills and resolutions are on their passage between the two houses they shall be on paper, and under the signature of the Secretary or Clerk of each house respectively.

8. Each house transmits to the other all papers on which any bill or resolution may be founded.

ENROLLING AND SIGNING OF BILLS AND RESOLUTIONS AND THEIR PRESENTATION TO THE GOVERNOR.

9. After a bill shall have passed both houses it shall be duly enrolled on paper by the Enrolling Clerk of the House of Representatives, or of the Senate, as the bill may have originated in the one or the other house, and properly signed by the presiding officer of each house, as required by the Constitution, before it shall be presented to the Governor.

10. When bills are enrolled they may be examined by a joint committee of three from the Senate and three from the House of Representatives, appointed as a standing committee for that purpose, who shall carefully compare the enrollment with the engrossed bills as passed in the houses, and carefully correcting any errors that may be discovered in the enrolled bills, make their report forthwith to the respective houses.

11. After examination and report each bill shall be signed in the respective houses—first by the presiding officer of the house in which it originates, then by the presiding officer of the other house, in accordance with Article III, Section 38, of the Constitution.

12. After a bill shall have thus been signed in each house it shall be presented to the Governor for his approbation by the Enrolling Committee of the house in which it originated, it being first endorsed on the back of the roll, certifying in which house the same originated, which endorsement shall be signed by the Secretary or Clerk, as the case may be, of the house in which the same did originate, and shall be entered on the journal of such house. The said committee shall report the day of presentation to the Governor, which time shall be carefully entered on the journal of the house in which the bill originated.

13. All orders, resolutions and votes, which are to be presented to the Governor of the State for his approbation, shall also in the same manner be previously enrolled, examined and signed, and shall be presented in the same manner and by the same committee, as provided in the case of bills.

ELECTIONS BY JOINT VOTE OF THE TWO HOUSES.

14. In all elections by joint vote of the two houses of the Legislature the Senate will, upon invitation, meet the House in its hall at the hour agreed upon. The President of the Senate shall take a seat at the right of the Speaker, and the Senators shall take seats in front of the Speaker's desk. The Speaker of the House shall preside. The names of the Senators shall then be alphabetically called, after which the names of the Representatives shall be called in like manner, and if a quorum of both houses answer to their names the two houses will proceed with the business for which they have met. The president of the Senate shall first call for nominations by Senators, and the Speaker of the House shall then call for nominations by Representatives. Nominations being made, the names of the Senators shall be called by the Secretary, and their votes recorded by him. The names of the Representatives shall then be called by their Clerk, and their votes recorded by him, and the result shall be handed to and announced by the Speaker. Should a majority be required to elect, and no person receive a majority, the voting shall be repeated until an election is made. After the conclusion of the election for which the two houses have met in joint session, the Senate shall retire to its chamber, and the result of the joint vote shall be entered on the journal of each house.

15. If a quorum of either house should fail to attend a joint session, or absent themselves therefrom without the permission of such house, the members of the house so wanting a quorum, if ten in number, shall have the right to compel the attendance of the absentees, in accordance with its own rules; and after a reasonable time, if a quorum is not obtained, the joint session may be adjourned by the vote of a majority of the members of either house, which votes shall be taken by the presiding officer of either house, on the motion of any one of its members, without debate.

16. If no choice shall have been made on the first ballot or vote, at any time thereafter the joint session may be adjourned, with or without naming another day for meeting, by the vote of a majority of either house, which vote shall be taken by the presiding officer of either house, on the motion of any one of its members, without delay.

17. In all conferences between the Senate and the House by committees, the number of each committee shall be five (5), and all votes on

matters of difference shall be taken by each committee separately, and it shall require a majority of each committee present concurring upon the matter in dispute to determine it. The reports of all conference committees must be signed by a majority of each committee of the conference.